

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANDRE WALLACE

Plaintiff,

v.

ORDER

KIRSCHENBAUM & PHILLIPS, P.C.,  
STEVEN L. ROSENTHAL,  
JAMES P. SCULLY,  
CADDIS FUNDING, LLC, and  
INVESTINET LLC,

19-CV-09306 (PMH)

Defendants.

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PHILIP M. HALPERN, United States District Judge:

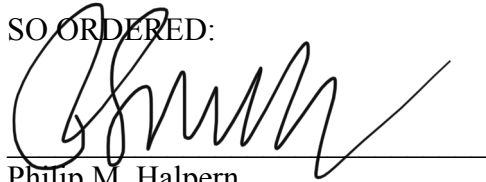
This matter has recently been reassigned to me. The Court has reviewed Defendants' pre-motion letter request dated December 9, 2019 (Doc. 10) and Plaintiff's letter response dated December 12, 2019 (Doc. 16). Additionally, the Court has reviewed Plaintiff's letter motions for an initial conference and request to permit discovery to proceed prior to an initial conference dated January 16, 2020 and February 14, 2020 (Docs. 18 and 19). At this time the Court is scheduling an initial pre-trial conference to discuss a Case Management Plan as well as all open issues including Defendants' anticipated motion to dismiss. Prior to the conference, please complete the attached Discovery Plan and Scheduling Order and review Rules 2B and 2C the Judge's Individual Practices in Civil Cases, regarding initial and pre-motion conferences.

Consistent with the Court's recent standing orders restricting access to the courthouse, the initial pre-trial conference will be held telephonically on May 21, 2020 at 10:30 a.m. At the time of the scheduled conference, all parties shall call the following number: (888) 398-2342; access code 3456831.

The Clerk of the Court is instructed to terminate the letter motions (Docs. 10, 16, 18 and 19).

Dated: New York, New York  
April 6, 2020

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Philip M. Halpern', written over a horizontal line.

Philip M. Halpern  
United States District Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANDRE WALLACE

Plaintiff,

v.

**CIVIL CASE DISCOVERY  
PLAN AND SCHEDULING ORDER**

KIRSCHENBAUM & PHILLIPS, P.C.,  
STEVEN L. ROSENTHAL,  
JAMES P. SCULLY,  
CADDIS FUNDING, LLC, and  
INVESTINET LLC,

19-CV-09306 (PMH)

Defendants.  
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This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel and any unrepresented parties, pursuant to Fed. R. Civ. P. 16 and 26(f):

1. All parties [consent] [do not consent] to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. (If all parties consent, the remaining paragraphs of this form need not be completed.)
2. This case [is] [is not] to be tried to a jury.
3. Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed by \_\_\_\_\_. (Absent exceptional circumstances, 30 days from date of this Order.)
4. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed by \_\_\_\_\_. (Absent exceptional circumstances, 14 days from date of this Order.)
5. Fact Discovery
  - a. All fact discovery shall be completed by \_\_\_\_\_. (Absent exceptional circumstances, a period not to exceed 120 days from date of this Order.)
  - b. Initial requests for production of documents shall be served by \_\_\_\_\_.

- c. Interrogatories shall be served by \_\_\_\_\_.
- d. Non-expert depositions shall be completed by \_\_\_\_\_.
- e. Requests to admit shall be served by \_\_\_\_\_.
- f. Any of the interim deadlines in paragraphs 5(b) through 5(e) may be extended by the written consent of all parties without application to the Court, provided that all fact discovery is completed by the date set forth in paragraph 5(a).

6. Expert Discovery

- a. All expert discovery, including expert depositions, shall be completed by \_\_\_\_\_. (Absent exceptional circumstances, 45 days from date in paragraph 5(a); i.e., the completion of all fact discovery.)
- b. Plaintiff's expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2) shall be made by \_\_\_\_\_.
- c. Defendant's expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2) shall be made by \_\_\_\_\_.
- d. The interim deadlines in paragraphs 6(b) and 6(c) may be extended by the written consent of all parties without application to the Court, provided that all expert discovery is completed by the date set forth in paragraph 6(a).

7. Additional provisions agreed upon by the parties are attached hereto and made a part hereof.

8. ALL DISCOVERY SHALL BE COMPLETED BY \_\_\_\_\_.  
(Absent exceptional circumstances, a period not to exceed 6 months from date of this Order.)

9. All motions and applications shall be governed by the Court's Individual Practices, including the requirement of a pre-motion conference before a motion for summary judgment is filed.

10. Unless otherwise ordered by the Court, within 30 days after the date for the completion of discovery, or, if a dispositive motion has been filed, within 30 days after a decision on the motion, the parties shall submit to the Court for its approval a Joint Pretrial Order prepared in accordance with the Court's Individual Practices. The parties shall also comply with the Court's Individual Practices with respect to the filing of other required pretrial documents.

11. The parties have conferred and their present best estimate of the length of the trial is \_\_\_\_\_.
12. This Civil Case Discovery Plan and Scheduling Order may not be modified or the dates herein extended without leave of the Court or the assigned Magistrate Judge acting under a specific order of reference (except as provided in paragraphs 5(f) and 6(d) above).
13. The Magistrate Judge assigned to this case is the Honorable \_\_\_\_\_.
14. If, after the entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.
15. The next case management conference is scheduled for \_\_\_\_\_ at \_\_\_\_\_. (The Court will set this date at the initial conference.)

Dated: New York, New York  
\_\_\_\_\_

SO ORDERED:

\_\_\_\_\_  
Philip M. Halpern  
United States District Judge